



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, APRIL 28, 2011

Invocation: Father John Kim, St. Mary's Cathedral

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 28, 2011 at Crockett High School, Performing Arts Center, 5601 Manchaca Road, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:06 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the minutes of the Austin City Council special called meetings of April 19 and 20, 2011 and regular meeting of April 21, 2011.
The minutes from the special called meetings of April 19 and 20, 2011 and regular meeting of April 21, 2011 were approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
2. Approve issuance of a rebate to Samsung Austin Semiconductor for the installation of energy efficient equipment in an amount not to exceed \$200,000.
The motion authorizing the issuance of a rebate to Samsung Austin Semiconductor was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
3. Authorize negotiation and execution of a 72-month lease for 73,487 square feet of office space at 811 Barton Springs Road with T-C Barton Springs LLC for an amount not to exceed \$12,400,931.
The motion authorizing the negotiation and execution of a lease for office space with T-C Barton Springs LLC, was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
4. Approve an ordinance authorizing acceptance of \$561,871 in American Recovery and Reinvestment Act (ARRA) grant funds from the U.S. Department of Energy (DOE) through a Federal Assistance Sub-Recipient Agreement between Chrysler Group LLC and Austin Energy, and amending the Fiscal Year 2010-2011 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$561,871 for research and testing of Plug-in Electric Vehicles.
Ordinance No. 20110428-004 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

5. Approve an ordinance amending the Fiscal Year 2010-2011 Austin Energy Capital Budget of Ordinance No. 20100913-003 to increase appropriations by \$5,500,000 for the Holly Street Power Plant decommissioning costs and amending the Fiscal Year 2010-2011 Austin Energy Operating Budget of Ordinance No. 20100913-002 to increase the Non-Fuel Operations and Maintenance by \$5,500,000 for the Holly Street Power Plant decommissioning account and decrease the Austin Energy Operating Fund ending balance by \$5,500,000. Related to Item #11.
This item was postponed on consent to May 12, 2011 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
6. Adopt an ordinance waiving Austin Water utility's meter, plan review, engineering, inspection, impact, and tap fees for 11600 Manchaca Road and 15829 North I.H. 35
Ordinance No. 20110428-006 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
7. Approve an ordinance amending Exhibits A and B of Ordinance No. 20110210-003 to change election day polling place locations and early voting locations.
Ordinance No. 20110428-007 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
8. Authorize execution of a construction contract with APAC-TEXAS, INC., Round Rock, TX for the 2011 Miscellaneous Streets Overlay - Phase 1 project in an amount not to exceed \$3,835,005.90.
The motion authorizing the execution of a construction contract with APAC-Texas, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
9. Authorize execution of a construction contract with ASPHALT PAVING COMPANY OF AUSTIN, INC., Buda, TX for the 2011 Miscellaneous Streets Overlay - Phase 2 project in an amount not to exceed \$3,072,170.55.
The motion authorizing the execution of a construction contract with Asphalt Paving Company of Austin, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
10. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, INC., Pflugerville, Texas, for the West 34th Street Reconstruction and Utility Adjustment Project from Shoal Creek Bridge to West Avenue, an ACCELERATE AUSTIN PROJECT, in the amount of \$3,160,860 plus a \$158,043 contingency, for a total contract amount not to exceed \$3,318,903.
The motion authorizing the execution of a construction contract with Cash Construction Company, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
11. Authorize negotiation and execution of a contract with TRC ENVIRONMENTAL CORPORATION, Austin, Texas, or one of the other qualified offerors for RFP Solicitation No. CLMB301A, for the Reissue - Holly Street Power Plant Decommissioning Project for \$11,502,518, plus \$575,126 contingency for a total not-to-exceed amount of \$12,077,644. Related to Item #5.
This item was postponed on consent to May 12, 2011 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
12. Approve an ordinance authorizing AUSTIN DMO, INC. DBA DOWNTOWN AUSTIN ALLIANCE, Austin, TX, to use City of Austin fire hydrants and water for the sidewalk cleaning program of the Austin Downtown Public Improvement District; and waiving requirements imposed pursuant to Austin City Code Section 15-3-31 (Permit Requirement; Exceptions) and Section 15-9-3 of the Austin City Code (Fees and Charges).

Ordinance No. 20110428-012 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

13. Approve a resolution authorizing the execution of a Memorandum of Understanding between the City of Austin and the Waller Creek Conservancy relating to the revitalization of the Waller Creek District. Related to Item #14.

Resolution No. 20110428-013 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

14. Approve a resolution creating the Waller Creek Local Government Corporation under Subchapter D, Chapter 431, Texas Transportation Code; approving and adopting the corporation's Articles of Incorporation and Bylaws; and appointing initial directors. Related to Item #13.

Resolution No. 20110428-014 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

Item 15 was pulled for presentation.

16. Authorize negotiation and execution of a legal services agreement with Thompson & Knight, LLP, to provide legal services related to the litigation related to Cause No. D-1-GN-11-000639; The Austin Bulldog v. Lee Leffingwell, Mayor, Chris Riley, Council Member Place 1, Mike Martinez, Mayor Pro Tem Place 2, Randi Shade, Council Member Place 3, Laura Morrison, Council Member Place 4, Bill Spelman, Council Member Place 5, Sheryl Cole, Council Member Place 6 and the City of Austin; in the 250th Judicial District; Travis County, Texas, for a total contract amount not to exceed \$110,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Liability Reserve Fund.

The motion authorizing the negotiation and execution of a legal services agreement with Thompson & Knight, LLP, was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

17. Authorize negotiation and execution of an amendment to the legal services agreement with The Law Office of Randy Leavitt, to provide legal services related to Texas Open Meeting Act issues, Public Information Act issue and records retention issues to increase funding in the amount of \$70,000, for a total contract amount not to exceed \$123,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Law Department; Authorize negotiation and execution of an amendment to the legal services agreement with Thompson & Knight, LLP, to provide legal services related to Texas Open Meeting Act issues, Public Information Act issues and, records retention issues to increase funding in the amount of \$35,000 for a total contract amount not to exceed \$88,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Law Department; Authorize negotiation and execution of an amendment to the legal services agreement with Bickerstaff Heath Delgado Acosta, LLP, to provide legal services related to Texas Open Meeting Act issues, Public Information Act issues, and records retention issues to increase funding in the amount of \$25,000, for a total contract amount not to exceed \$ 78,000. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Law Department.

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with The Law Office of Randy Leavitt was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

18. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Contractual Obligations in the amount of \$11,900,000 related to the digital vehicular video system project.

Resolution No. 20110428-018 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

19. Approve an ordinance amending the Fiscal Year 2010-2011 General Fund Operating Expenditures of the Police Department Operating Budget (Ordinance No. 20100913-002) to add seven full-time equivalent

positions; amending the Fiscal Year 2010-2011 Combined Transportation, Emergency & Communication Center Fund of the Communications and Technology Management Operating Budget (Ordinance No. 20100913-002) to add one full-time equivalent position; amending the Fiscal Year 2010-2011 Communications and Technology Management Operating Budget (Ordinance 20100913-002) to add one full-time equivalent position; and amending the Fiscal Year 2010-2011 Police Department Capital Budget (Ordinance No. 20100913-003) to appropriate \$11,900,000 for the digital vehicular video system project.

Ordinance No. 20110428-019 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

20. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and TRAVIS COUNTY for the development construction, maintenance of a portion of the Austin to Manor Trail Project along Daffan Lane between Johnny Morris Road and Decker Lane (FM 3177).
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
21. Approve an ordinance authorizing execution of an Advance Funding Agreement between the City and the Texas Department of Transportation (TxDOT) for award of \$353,583 in Transportation Enhancement funds to construct sidewalks near Maplewood and Summit Elementary Schools and Lamar Middle School, as well as to conduct a citywide safe bicycling and walking campaign; accepting grant funds in the amount of \$353,583 from TxDOT; amending the Fiscal Year 2010 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$353,583; amending the Public Works Department Child Safety Fund Operating Budget (Ordinance No. 20100913-002) to transfer \$180,524 to the Public Works Department Capital Budget; amending the Fiscal Year 2010-2011 Public Works Department Capital Budget (Ordinance No. 20100913-003) to transfer in and appropriate \$353,583 from the Public Works Department Operating Budget Special Revenue Fund and \$180,524 from the Public Works Child Safety Fund.
Ordinance No. 20110428-021 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
22. Authorize award and execution of Amendment No. 4 to a requirements supply contract with AIRGAS SOUTHWEST, INC., Austin, TX for the purchase of laboratory gases for the Austin Water Utility, to exercise the final extension option in an estimated amount not to exceed \$15,736, for a revised total estimated contract amount not to exceed \$66,878.
The motion authorizing the award and execution of amendment number four to a requirements supply contract with Airgas Southwest, Inc., was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
23. Authorize award and execution of Amendment No. 2 to the contract with AMERICAN FACILITY SERVICES, INC., Alpharetta, GA, to extend the contract for one-12 month period, the final extension option, for janitorial services for the Austin Water Utility's North Service Center in an estimated not to exceed \$32,160, for a total contract amount not to exceed \$128,649.
The motion authorizing the award and execution of amendment number two to the contract with American Facility Services, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
24. Authorize award and execution of Amendment No. 5 to a requirements supply contract with AQUA METRIC SALES COMPANY, Riverside, CA for Sensus water meter repair parts for the Austin Water Utility, to exercise the second extension option in an estimated amount not to exceed \$40,000, and to authorize two additional extension options in an estimated amount not to exceed \$40,000 per extension option, for a revised total estimated contract amount not to exceed \$230,000.

The motion authorizing the award and execution of amendment number five to a requirements supply contract with Aqua Metric Sales Company was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

25. Authorize award and execution of Amendment No. 3 to a requirements supply contract with ASHBROOK-SIMON HARTLEY, Houston, TX for gravity belt thickener parts for the Austin Water Utility, to exercise the third extension option in an estimated amount not to exceed \$14,000, and to approve a final extension option in an estimated amount of \$14,000, for a total contract amount not to exceed \$84,000.

The motion authorizing the award and execution of amendment number three to a requirements supply contract with Ashbrook-Simon Hartley was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

26. Approve Amendment No. 2 to a requirements service contract with BPI ENVIRONMENTAL SERVICES, INC., Lakeway, TX for erosion contract materials for the Austin Water Utility, to exercise the final extension option in an estimated amount not to exceed 21,341.50, for a revised total estimated contract amount not to exceed \$85,366.

The motion to approve amendment number two to a requirements service contract with BPI Environmental Services, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

27. Authorize award and execution of Amendment No. 2 to a requirements supply contract with HD SUPPLY WATERWORKS, Round Rock, TX for cast iron casings and lids for the Austin Water Utility, to exercise the first extension option in an estimated amount not to exceed \$28,000, and to authorize a final extension option in an estimated amount not to exceed \$28,000, for a revised total estimated contract amount not to exceed \$105,918.16.

The motion authorizing the award and execution of amendment number two to a requirements supply contract with HD Supply Waterworks was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

28. Authorize award and execution of a 36-month requirements service contract with RICOH BUSINESS SOLUTIONS, Austin, TX for lease and maintenance of two engineering color scanning/printing systems for the Austin Water Utility in an amount not to exceed \$138,888, with three 12-month extension options in an amount not to exceed \$46,296 per extension option, for a total contract amount not to exceed \$277,776.

The motion authorizing the award and execution of a requirements service contract with Ricoh Business Solutions was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

29. Authorize award and execution of Amendment No. 3 to a requirements service contract with WASTE PARTNERS OF TEXAS, INC., dba AUSTIN OUTHOUSE, Austin, TX for portable toilet rental and services for the Austin Water Utility, to exercise the final extension option in an estimated amount not to exceed \$20,000, for a revised total estimated contract amount not to exceed \$80,000.

The motion authorizing the award and execution of amendment number three to a requirements service contract with Waste Partners of Texas, Inc., doing business as Austin Outhouse, was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

30. Authorize award and execution of Amendment No. 1 to a 12-month copier rental contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas

Coop), with Xerox Corporation for the rental of additional multi-function document imaging machines in an estimated amount not to exceed \$12,730.29, with one 12-month extension option in an estimated amount to not to exceed \$43,219.23, for a revised total estimated contract amount not to exceed \$99,168.75.

The motion authorizing the award and execution of amendment number one to a copier rental contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program with Xerox Corporation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

31. Authorize award and execution of a 36-month requirements supply contract with PINNACLE PEAK HOLDING CORPORATION, dba SETCOM CORPORATION, Austin, TX, to provide Setcom headset parts and accessories in an estimated amount not to exceed \$135,000, with three 12-month extension options in an estimated amount not to exceed \$45,000 per extension option, for a total estimated contract amount not to exceed \$270,000.

The motion authorizing the award and execution of a requirements supply contract with Pinnacle Peak Holding Corporation doing business as Setcom Corporation was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

Item 32 was pulled for discussion.

33. Authorize award and execution of a 24-month requirements supply contract with LONE STAR PRODUCTS AND EQUIPMENT LLC, Houston, TX, or one of the other qualified bidders for IFB-BV WDJ0017, to provide computer consoles and mounting hardware in an estimated amount not to exceed \$550,000, with two 12-month extension options in an estimated amount not to exceed \$75,000 per extension option, for a total estimated contract amount not to exceed \$700,000.

The motion authorizing the award and execution of a requirements supply contract with Lone Star Products and Equipment LLC was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

34. Authorize award, negotiation, and execution of three six-month contracts through the State of Texas Department of Information Resources cooperative purchasing program with RHYAN TECHNOLOGY SERVICES LLC, AUSTIN, TX (MBE), in an amount not to exceed \$77,501; APEX SYSTEMS INC., Austin, TX in an amount not to exceed \$81,600; and STARK HOLDING INC, AUSTIN, TX (WBE) in an amount not to exceed \$113,280 for staff augmentation for services related to the AustinGO Project.

The motion authorizing the award, negotiation and execution of three contracts through the State of Texas Department of Information Resources cooperative purchasing program with Rhyan Technology Services LLC, Apex Systems Inc. and Stark Holding Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

35. Authorize award and execution of Amendment No. 2 to a 36-month requirements supply contract with PRINTMAIL PRO.COM, Austin, TX, for printing of business cards, city wide, to increase the contract amount for third year funds in an estimated amount not to exceed \$42,247.50 with three 12-month extension options in the amount of \$42,247.50 per extension option, for a total contract amount not to exceed \$253,485.

The motion authorizing the award and execution of amendment number two to a requirements supply contract with Print Mail Pro Com was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

36. Authorize award and execution of Amendment No. 3 to exercise the first of three extension options of a contract with MOBILE MINI INC., Austin, TX, to provide rental of storage containers for the Parks and

Recreation Department in an estimated amount not to exceed \$32,986 with two extension options in the amount of \$32,986 per extension option, for a total contract amount not to exceed \$191,953.

The motion authorizing the award and execution of amendment number three to a contract with Mobile Mini Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

37. Authorize award and execution of a 36-month requirements service contract with SIEMENS WATER TECHNOLOGIES, Pflugerville, TX for deionized water system preventative maintenance in an estimated amount not to exceed \$56,050, with three 12-month extension options in estimated amounts not to exceed \$24,549 for the first extension option, \$28,231 for the second extension option, and \$32,466 for the third extension option, for a total estimated contract amount not to exceed \$141,296.

The motion authorizing the award and execution of a requirements service contract with Siemens Water Technologies was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

38. Authorize award and execution of a 36-month supply agreement with AUSTIN CRUSHED STONE, Austin, Texas, for crushed rock for the Watershed Protection Department in an amount not to exceed \$212,163 with three 12-month extension options in an amount not to exceed \$70,721 for each option, for a total contract amount not to exceed \$424,326.

The motion authorizing the award and execution of a supply agreement with Austin Crushed Stone was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

39. Authorize the City Manager to execute a Master Recycling Services Agreement and a Service Schedule for recycling the City's single stream recyclables with Texas Disposal Systems including an award of up to 40% of the City's recyclables for the first three years. Related to Item #40.

The motion authorizing the City Manager to execute a master recycling services agreement and a service schedule for recycling the City's single stream recyclables with Texas Disposal Systems including an award of up to 40% of the City's recyclables for the first three years was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

40. Authorize the City Manager to execute an amendment to the Single Stream Recycling Services Schedule Under the Master Agreement with Balcones Resources, Inc. to award Balcones Resources, Inc. 100% of the city's single stream recyclables for the first three years. Related to Item #39.

This item was withdrawn on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

41. Approve an ordinance amending Section 12-4-64 (D) of the City Code to add a portion of Croftwood Drive and deleting a portion of Leaffield Drive to the table of streets as having a maximum speed limit of 20 miles per hour, during certain times, for students attending Boone Elementary School, and to provide emergency passage.

Ordinance No. 20110428-041 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

42. Approve the negotiation and execution of a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the operation and maintenance of a dynamic message sign along the MoPac (Loop 1) northbound service road south of Barton Springs Road.

The motion authorizing the negotiation and execution of a multiple use agreement with the Texas Department of Transportation (TxDOT) was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

43. Approve an ordinance amending Chapter 13-2 of the City Code to adopt regulations for the operation of Pedi-cabs.
This item was postponed on consent to June 9, 2011 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
44. Approve a resolution giving the City's consent as required by Internal Revenue Code Section 147(f), to the City of Houston Higher Education Finance Corporation's issuance of bonds in an amount not to exceed \$90,000,000 and loan of the bond proceeds to Cosmos Foundation, Inc., a Texas non-profit corporation to finance the acquisition of land, design, site improvements, renovation, and equipment for educational facilities, including construction of (i) an approximately 65,000 square foot building at the Harmony School of Political Sciences and Communication, 13175 Research Blvd, Austin (ii) an approximately 22,000 square foot building at the Harmony Science Academy, 930 E. Rundburg Lane, Austin (iii) the Harmony School of Excellence, 2100 E. St. Elmo Rd., Austin (iv) the Harmony School of Science, 11800 Stonehollow Dr., Austin, and (v) the Harmony School of Political Sciences and Communication, at the corner of FM 620 Road and Lake Creek Parkway, Austin.
Resolution No. 20110428-044 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
45. Approve a resolution expressing the City's consent, as required by Internal Revenue Code Section 147(f), to Sanger Cultural Education Facilities Finance Corporation's loan to St. Andrew's Episcopal School in an amount not to exceed \$10,000,000 to (i) finance the construction and equipping of the Dell Fine Arts Center consisting of an approximately 36,000 square foot music building and a 6,1000 square foot art building, the remodeling of Founder's Hall and Dell Hall and refinancing indebtedness incurred to construct and equip school buildings totaling approximately 28,200 square feet on the Upper School campus at 5901 Southwest Parkway, Austin and (ii) finance the relocation of the playscape, the renovation of the small gym and parking improvements on the Lower School campus at 1112 West 31st Street, Austin.
Resolution No. 20110428-045 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
46. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointment was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

Board/NomineeNominated by

Mexican American Cultural Center Advisory Board
Velia Sanchez-Ruiz

Council Member Morrison

Item 47 was pulled for discussion.

Item 48 was pulled to be heard after the related Executive Session.

49. Approve a resolution changing the date of the annual "Night of the Bat" and supporting a concession agreement for "Night of the Bat" event management. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Mike Martinez CO 2: Council Member Chris Riley)
Resolution No. 20110428-049 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

Item 50 was pulled to be heard after the staff presentation.

Item 51 was pulled for discussion.

52. Approve the waiver of certain banner fees for the Eat Local Week event sponsored by Edible Austin, Inc. which is to be held November 28 through December 12, 2011. (Notes: SPONSOR: Mayor Pro Tem Mike Martinez CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)
The motion to approve the waiver of certain banner fees for the Eat Local Week event sponsored by Edible Austin, Inc. was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
53. Approve the waiver of certain fees for the 2nd annual Barton Springs Pool Treeathlon event which is to be held on Saturday, April 30, 2011 at Barton Springs Pool. (Notes: SPONSOR: Mayor Pro Tem Mike Martinez CO 1: Council Member Randi Shade CO 2: Council Member Chris Riley)
The motion to approve the waiver of certain fees for the second annual Barton Springs Pool Treeathlon event was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
54. Approve the waiver of certain fees and requirements for the PeopleFund East Night 2011 event which is to be held Thursday, September 29, 2011 at the Emma S. Barrientos Mexican American Cultural Center (MACC). (Notes: SPONSOR: Council Member Randi Shade CO 1: Mayor Pro Tem Mike Martinez CO 2: Council Member Sheryl Cole)
The motion to approve the waiver of certain fees and requirements for the PeopleFund East Night 2011 event was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.
55. Set a public hearing to consider an ordinance amending Title 2 and Title 25 of the City Code relating to Special Exceptions and Fee Waivers for certain code violations. (Suggested date and time: May 26, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second St., Austin TX).
The public hearing was set on consent for May 26, 2011 at 4:00 p.m., City Hall at 301 W. Second St. Austin, TX on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

Item 56 was a briefing item set for 10:30 a.m.

Items 57 through 61 were Executive Session items

Items 62 through 64 were zoning items set for 2:00 p.m.

Item 65 was a public hearing item set for 4:00 p.m.

DISCUSSION ITEMS

50. Approve a resolution directing the City Manager to assign a staff contact to work with AustinCorps students toward implementation of the Austin Youth Council. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Mike Martinez CO 2: Council Member Randi Shade)
Resolution No. 20110428-050 was approved on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais.
32. Authorize award, negotiation, and execution of a 36-month requirements supply contract with ENERGY XTREME LLC, Austin, TX for the purchase, installation, integration, testing, and maintenance of an Alternate Power/Anti-Idling system in an estimated amount not to exceed \$2,116,800.
The motion authorizing the award, negotiation and execution of a requirements supply contract with Energy Xtreme LLC was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.

15. Authorize negotiation and execution of a settlement agreement in Public Utility Commission of Texas Docket No. 30966 among ERCOT transmission providers for the period of September 1, through December 31, 1999.
The motion approving the settlement of the City's claim against (*company or individual name*), by which the City will receive (*dollar amount of settlement*), was approved on Council Member (*name*) motion, Council Member (*name*) second, on a (# of votes) vote
The motion authorizing the negotiation and execution of a settlement agreement with Public Utility Commission of Texas of the City's claim among ERCOT transmission provider by which the City will receive \$1.735 million, principal and interest, was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
47. Approve an ordinance amending Chapter 2-7 of the City Code Relating to Conflicts of Interest. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Randi Shade)
Ordinance No. 20110428-047 was approved on Council Member Shade's motion, Council Member Riley's second on a 5-0 vote. Council Members Morrison and Spelman recused themselves.
51. Approve a resolution requesting funding recommendations to help establish an African American Youth Resource Center. (Notes: SPONSOR: Council Member Randi Shade CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)
Resolution No. 20110428-051 was approved on Council Member Shade's motion, Council Member Cole's second on a 7-0 vote. A friendly amendment was made by Council Member Spelman directing staff that while considering any additional funding to the African American Youth Resource Center find a way of bringing this and other contracts which could be construed as social services under the social services contracting umbrella in future years. The amendment was not accepted by the maker of the motion.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 10:58 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

58. Evaluate the performance of and consider the compensation and benefits for the City Clerk (Personnel Matters Section 551.074).
This item was withdrawn.
59. Discuss legal issues related to Cause No. D-1-GN-11-001063; Dominic Chavez, Alfred Stanley, and Michael Levy v. City of Austin and City Council Members, Lee Leffingwell, Mayor, Chris Riley, Place 2, Mike Martinez, Place 2 and Mayor Pro Tem, Randi Shade, Place 3, Laura Morrison, Place 4, Bill Spelman, Place 5, and Sheryl Cole, Place 6.; In the 419th Judicial District Court of Travis County, Texas. (private consultation with legal counsel pursuant to section 551.071 of the Government Code).
60. Discuss legal issues relating to Emergency Responders for Equality, et al. v. Rhoda Mae Kerr, et al., No. 09CA-866-LY, In the United States District Court for the Western District of Texas, Austin Division. (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was withdrawn.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 11:59 a.m.

CITIZEN COMMUNICATION: GENERAL

Paul Robbins - City issues

Kelly Hullender - Crime, police multifamily

Carol Dougherty - Crime, calls for assistance, efforts made for police support

Gary Thomas - Thank the City Council/Introduction to identity theft courses

CarolAnneRose Kennedy - SAVE YOURSELF ... PROTECT AND PRESERVE OUR ENVIRONMENT ... PLEASE! Not present when name was called.

Phillip Greene - Lago Vista ends water fluoridation

Leonard Davila - Mexican American Experience

Ronnie Reeferseed - Peace, freedom and flouride. Pray for Japan and all of us.

Walter Olenick - Water Fluoridation

Susan Bernard, Crockett High School Teacher was allowed to speak without objection.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:37 p.m.

EXECUTIVE SESSION CONTINUED

The Mayor announced Council would discuss item number 48 on the regular agenda during Executive Session.

57. Discuss legal issues related to a Texas Open Meetings Act complaint, associated requests made under the Public Information Act, the retention of records, and a complaint filed under the City's ethics provisions (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
61. Discuss legal issues related to the following: Cause No. D-1-GN-10-003252; Nathaniel Sanders, Sr., individually and as heir to the Estate of Nathaniel Sanders, II and Yulonda Sanders, individually, and as heir to the Estate of Nathaniel Sanders II v. Leonardo Quintana and the City of Austin, in the 419th Judicial District; Travis County, Texas; Cause No. A-09-CA-426-SS; Nathaniel Sanders, Sr., individually and as heir to the Estate of Nathaniel Sanders, II and Yulonda Sanders, individually, and as heir to the Estate of Nathaniel Sanders II v. Leonardo Quintana and the City of Austin, in the U.S. District Court, Western District; Austin Division; Cause No. A-10-CA-778-SS; Sir Smith v. Leonardo Quintana, in the U.S. District Court, Western District; Austin Division. (private consultation with legal counsel pursuant to Section 551.071 of the Government Code)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:02 p.m.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

62. NPA-2010-0018.03 - EP Austin Properties, L.P. - Conduct a public hearing and approve on first reading an ordinance amending Ordinance No. 20040513-30, the Brentwood/Highland Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 5011 Burnet Road (0.559 acres on Woodrow

Avenue) (Shoal Creek Watershed) from Single Family to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. EP Austin Properties, L.P. (George C. Thorne & Robert L. Rock). Armbrust & Brown, L.L.P. (Richard T. Suttle). Maureen Meredith, 974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110428-062 to change the land use designation to Mixed Use land use was approved on consent on Council Member Cole's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

63. C14-2010-0025 - EP Austin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5011 Burnett Rd. (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-mixed use building-neighborhood plan (GO-MU-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Applicant: EP Austin Properties (George C. Thorne, Jr.) Agent: Armbrust & Brown, L.L.P. (Richard Suttle). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110428-063 for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

64. C14-2011-0010 - 821 W. 11th - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 821 W. 11th (Shoal Creek Watershed) from multi-family residence-medium density (MF-3) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Dwight Monteith. Agent: Kari Blachly. City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110428-064 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

BRIEFINGS

56. Presentation on Historic Preservation Program Recommendations
The presentation was made by Jerry Rusthoven, Manager, and Steve Sadowsky, Planner Senior, for Planning and Development Review Department.

PUBLIC HEARINGS AND POSSIBLE ACTION

65. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owner's agent, Mr. Jim Bennett, to allow development of an addition to a single-family residence at 1505 Parkway, which is in the 25-year and 100-year floodplains of Shoal Creek.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110428-065 was approved on consent on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman voted nay.

DISCUSSION ITEMS CONTINUED

48. Approve a resolution requesting 1) that the City Manager draft city charter amendments and make related recommendations regarding elections, representation, and governance; 2) that the Ethics Review Commission make campaign finance recommendations; and 3) that the City Manager and Ethics Review Commission present findings to the City Council for review within 90 days. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Mike Martinez CO 2: Council Member William Spelman) Resolution No. 20110428-048 was approved with the following friendly amendment on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote. The amendment was accepted by the maker of the motion and by Council Member Spelman, who made the second. The friendly amendment was to change the language in the charter to allow the Austin Independent School District (AISD) board to appoint a new non-voting Planning Commission position to represent AISD.

Direction was given to staff to research:

- make the Planning Commissioners' and other boards and commission terms consistent with the Council Members' terms
- research even numbered year for elections
- research options for term limits and the number of terms
- research eight members from geographic districts and a mayor with all elected-at-large

Mayor Leffingwell adjourned the meeting at 5:40 p.m. without objection.

LIVE MUSIC

Crockett High School Mariachi Band

PROCLAMATIONS

Certificates of Congratulations -- Austin Corps Graduates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees and Certificates of Appreciation -- Teachers -- to be presented by Mayor Lee Leffingwell and to be accepted by Linda O'Neal and David Dupont

Proclamation -- Bike Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Nadia Barrera

Proclamation -- World Tai Chi and Qigong Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Vince Cobalis

Proclamation -- Children's Mental Health Awareness Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Kemal Taskin, Barbara Ball and Christina Kuehn

Proclamation -- National Bicycling Month -- to be presented by Council Member Chris Riley and to be accepted by Nadia Barrera

Proclamation -- Huston-Tillotson Becoming a Tobacco-Free Campus -- to be presented by Council Member Sheryl Cole and to be accepted by Dr. Debra Murphy

Proclamation -- Pharmaceutical Drug Take-Back Day -- to be presented by Council Member Laura Morrison and to be accepted by Greg Thrash

The minutes for the Regular Meeting of April 28, 2011 were approved on this the 12th day of May 2011 on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.